

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SEP 02 2008

MOLLY C. DWYER, CLERK OF COURT  
U.S. COURT OF APPEALS

ANTHONY NESBIT,

Plaintiff - Appellant,

v.

DEPARTMENT OF PUBLIC SAFETY,  
STATE OF HAWAII; JAMES L.  
PROPOTNICK; FRANK LOPEZ;  
EDWIN SHIMODA; NOLAN ESPINDA;  
ERIC TANAKA; RANDY ASHER; SAIA  
FINAU, ; CINDA SANDIN; MONICA  
LORTZ; CHERYL ZEMBIK; LYLE  
KANOA; G SHERIDAN; DAVID APAO  
ATTORNEY GENERAL OF THE STATE  
OF HAWAII; DEAPRTMENT OF  
ACCOUNTING AND GENERAL  
SERVICES, STATE OF HAWAII; DOE  
1-10,

Defendants - Appellees.

No. 06-16428

D.C. No. CV-03-00455-SOM

District of Hawaii, Honolulu

**MANDATE**

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

SEP 05 2008  
at 10 o'clock and 58 min. 4 M.  
SUE BEITIA, CLERK

ANTHONY NESBIT; WILLIAM J.  
KOTIS,

Plaintiffs - Appellants,

v.

DEPARTMENT OF PUBLIC SAFETY,  
STATE OF HAWAII; TED SAKAI  
JAMES L. PROPOTNICK; JOHN F.  
PEYTON; FRANK LOPEZ; EDWIN  
SHIMODA; NOLAN ESPINDA;

No. 06-16623

D.C. No. CV-03-00455-SOM

04-00167-SOM

District of Hawaii, Honolulu

**MANDATE**

CLAYTON FRANK; ERIC TANAKA;  
RANDY ASHER; GARY KAPLAN;  
CINDA SANDIN; CHERYL ZIMBECK,

Defendants - Appellees.

The judgment of this Court, entered 06/23/2008, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

Molly C. Dwyer  
Clerk of Court



By: Theresa Benitez  
Deputy Clerk